

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 13-0475**

**SLOAN v. FARMERS et al.**

**Appellate Case Information**

Case Filed: 9-Aug-2013  
Case Closed:

**Dept/Composition**

**Side 1. BARBARA A. SLOAN, a single woman, Plaintiff/Appellant**  
**(Litigant Group) BARBARA A SLOAN**

• Barbara A Sloan

**Attorneys for: Plaintiff/Appellant**

Stanley G Feldman, Esq. (AZ Bar No. 838)  
Michael N Poli, Esq. (AZ Bar No. 6431)  
Jeffrey Messing, Esq. (AZ Bar No. 9768)  
James B Ball, Esq. (AZ Bar No. 7339)

**Side 2. FARMERS INSURANCE COMPANY OF ARIZONA, an Arizona insurance company; FARMER INSURANCE EXCHANGE, a California insurance company; and FARMERS GROUP, INC., a California corporation, Defendant/Appellee**  
**(Litigant Group) FARMERS et al.**

• Farmers Insurance Company of Arizona  
• Farmers Insurance Exchange  
• Farmers Group Inc

**Attorneys for: Defendants/Appellees**

Donald L Myles, Jr, Esq. (AZ Bar No. 7464)  
Lori L Voepel, Esq. (AZ Bar No. 15342)  
Ashley V Halvorson, Esq. (AZ Bar No. 27288)

**CASE STATUS**

Jan 21, 2015....Stayed

May 14, 2014....At Issue

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2009-033244	Bad Faith, Breach of Contract, Conversion		Arthur T Anderson, Authoring Judge of Order		

**107 PROCEEDING ENTRIES**

1.	9-Aug-2013	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/03/13 Bond filed in Superior Court: 7/10/13 Docketing Statement filed in Superior Court: 7/18/13			
2.	9-Aug-2013	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits/Sealed Documents - not sent at this time			
3.	26-Aug-2013	FILED: Notice to Counsel re: Appellant's Fee/Brief Due			
4.	10-Sep-2013	FILED: Appellant's Notice of Payment of Filing Fee; Certificate of Service of Appellant's Notice of Payment of Filing Fee (Appellant)			
5.	10-Sep-2013	FILED: Appellant's Notice of Satisfactory Arrangements for Court Reporter Payment; Certificate of Service of Appellant's Notice of Satisfactory Arrangements for Court Reporter Payment (Appellant)			
6.	12-Sep-2013	RECEIPT No.: 2013-01292 ; \$280.00, Authorization: #54019527227, Applied to: BARBARA A SLOAN - Class A Filing Fee (\$280.00) Paid for: Poli & Ball PLC - By Integrated Resource Systems IN			
7.	13-Sep-2013	FILED: Appellees' Notice re: Appellees' Fee/Appellant's Brief Due			
8.	16-Sep-2013	FILED: Appellant's Unopposed Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service of Appellant's: (1) Unopposed Motion for Procedural Order, and (2) Affidavit in Support of Motion for Procedural Order (Re Extension of Time to File Opening Brief); Affidavit in Support of Motion for Procedural Order (Extension of Time to File Opening Brief) (Appellant)			
9.	17-Sep-2013	ORDERED: extending the time for filing the opening brief to and including 11/6/13. Melina Brill ProTem Judge - Author			
10.	24-Sep-2013	FILED: Notice of Paying Filing Fee; Certificate of Service (Appellee)			

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11.	26-Sep-2013	RECEIPT No.: 2013-01360 ; \$140.00, Authorization: # 68012274959, Applied to: FARMERS et al. - Class B Filing Fee (\$140.00) Paid for: Jones Skelton & Hochuli PLC - By Integrated Resource Systems IN
12.	6-Nov-2013	FILED: Reporter's Transcript - 03-02-2012 Oral Argument (Miguel Benitez)
13.	6-Nov-2013	FILED: Reporter's Transcript - 04-19-2012 - Jury Trial (Miguel Benitez)
14.	6-Nov-2013	FILED: Reporter's Transcript - 04-23-2012 - Jury Trial (Miguel Benitez)
15.	6-Nov-2013	FILED: Reporter's Transcript - 04-24-2012 - Jury Trial (Miguel Benitez)
16.	6-Nov-2013	FILED: Reporter's Transcript - 05-02-2012 - Jury Trial (Miguel Benitez)
17.	6-Nov-2013	FILED: Reporter's Transcript - 05-03-2012 - Jury Trial (Miguel Benitez)
18.	6-Nov-2013	FILED: Reporter's Transcript - 05-07-2012 - Jury Trial (Miguel Benitez)
19.	6-Nov-2013	FILED: Reporter's Transcript - 05-08-2012 - Jury Trial (Miguel Benitez)
20.	6-Nov-2013	FILED: Reporter's Transcript - 05-09-2012 - Jury Trial (Miguel Benitez)
21.	6-Nov-2013	FILED: Reporter's Transcript - 05-10-2012 - Jury Trial (Miguel Benitez)
22.	6-Nov-2013	FILED: Reporter's Transcript - 05-11-2012 - Evidentiary Hearing (Miguel Benitez)
23.	6-Nov-2013	FILED: Reporter's Transcript - 05-14-2012 - Evidentiary Hearing (Miguel Benitez)
24.	6-Nov-2013	FILED: Reporter's Transcript - 05-15-2012 - Jury Trial (Miguel Benitez)
25.	6-Nov-2013	FILED: Reporter's Transcript - 05-16-2012 - Jury Trial (Miguel Benitez)
26.	6-Nov-2013	FILED: Reporter's Transcript - 05-17-2012 - Jury Trial (Miguel Benitez)
27.	6-Nov-2013	FILED: Reporter's Transcript - 05-21-2012 - Jury Trial (Miguel Benitez)
28.	6-Nov-2013	FILED: Reporter's Transcript - 05-22-2012 - Jury Trial (Miguel Benitez)
29.	6-Nov-2013	FILED: Reporter's Transcript - 05-23-2012 - Jury Trial (Miguel Benitez)
30.	6-Nov-2013	FILED: Reporter's Transcript - 05-24-2012 - Jury Trial (Miguel Benitez)
31.	6-Nov-2013	FILED: Reporter's Transcript - 05-29-2012 - Jury Trial (Miguel Benitez)
32.	6-Nov-2013	FILED: Appellant's Motion to Seal Opening Brief and Supporting Appendix; Certificate of Service of Appellant's Motion to Seal Opening Brief and Supporting Appendix (Appellant)
33.	6-Nov-2013	FILED: Reporter's Transcript - 04-25-2012 - Jury Trial (Miguel Benitez)
34.	6-Nov-2013	FILED: Reporter's Transcript - 04-26-2012 - Jury Trial (Miguel Benitez)
35.	6-Nov-2013	FILED: Reporter's Transcript - 04-30-2012 - Jury Trial (Miguel Benitez)
36.	6-Nov-2013	FILED: Reporter's Transcript - 05-01-2012 - Jury Trial (Miguel Benitez)
37.	6-Nov-2013	FILED: Appellant's Opening Brief (sealed per 12/3/13 order)
38.	6-Nov-2013	FILED: Appendix to Appellant's Opening Brief (sealed per 12/3/13 order)
39.	6-Nov-2013	FILED: Order regarding MCAO Documents (Non-parties)
40.	18-Nov-2013	FILED: Appellant's Notice of Errata Re: Appendix to Opening Brief (Table of Contents); Certificate of Service of Appellant's Notice of Errata Re: Appendix to Opening Brief (Table of Contents) (Appellant)
41.	26-Nov-2013	FILED: Appellant's Notice of Filing Transcripts of Proceedings; Certificate of Service of Appellant's Notice of Filing Transcripts of Proceedings (Appellant)
42.	26-Nov-2013	FILED: Reporter's Transcript - 5/7/10 (Monica S. Berry) (Appellant)
43.	26-Nov-2013	FILED: Reporter's Transcript - 5/12/10 (Monica S. Berry) (Appellant)
44.	26-Nov-2013	FILED: Court Reporter's Transcript - Exhibits to 5/12/10 (Monica S. Berry) (Appellant)

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45.	27-Nov-2013	FILED: Appellant's Notice of Filing Transcripts of Proceedings; Certificate of Service of Appellant's Notice of Filing Transcripts of Proceedings (Appellant)
46.	27-Nov-2013	FILED: Reporter's Transcript - 8/26/11 (Cindy Benner) (Appellant)
47.	27-Nov-2013	FILED: Reporter's Transcript - 4/11/12 (Karen A. Dawson) (Appellant)
48.	27-Nov-2013	FILED: Reporter's Transcript - 5/04/12 (Cynthia A. Charest) (Appellant)
49.	3-Dec-2013	ORDERED: Appellant's Motion to Seal Opening Brief and Supporting Appendix = GRANTED. Hon Kent E Cattani Judge - Author
50.	18-Dec-2013	FILED: Unopposed Motion for Extension of Time to File Answering Brief (First Request); Certificate of Service (Appellee)
51.	19-Dec-2013	ORDERED: Unopposed Motion for Extension of Time to File Answering Brief (First Request) (Appellee) = GRANTED. Due date EXTENDED from Monday, 12-23-2013 to Monday, 01-27-2014 Melina Brill ProTem Judge - Author
52.	21-Jan-2014	FILED: Appellant's Notice of Filing Transcript of Proceedings; Certificate of Service of Appellant's Notice of Filing Transcript of Proceedings (Appellant)
53.	21-Jan-2014	FILED: Reporter's Transcript - 2/17/12 (Miguel A. Benitez) (Appellant)
54.	22-Jan-2014	FILED: Appellant's Notice of Filing Transcripts of Proceedings; Certificate of Service of Appellant's Notice of Filing Transcripts of Proceedings (Appellant)
55.	22-Jan-2014	FILED: Reporter's Transcript - 1/13/12 (Miguel A. Benitez) (Appellant)
56.	22-Jan-2014	FILED: Reporter's Transcript - 3/19/12 (Miguel A. Benitez) (Appellant)
57.	22-Jan-2014	FILED: Reporter's Transcript - 3/30/12 (Miguel A. Benitez) (Appellant)
58.	22-Jan-2014	FILED: Joint Stipulated Motion to Extend Deadline to Complete Appellate Court Record and to Extend Remaining Briefing Schedule; Certificate of Service (Appellee)
59.	23-Jan-2014	FILED: Appellant's Notice of Filing Transcripts of Proceedings; Certificate of Service of Appellant's Notice of Filing Transcripts of Proceedings (Appellant)
60.	23-Jan-2014	FILED: Reporter's Transcript - 4/06/12 (Miguel A. Benitez) (Appellant)
61.	23-Jan-2014	FILED: Reporter's Transcript - 4/13/12 (Miguel A. Benitez) (Appellant)
62.	23-Jan-2014	FILED: Reporter's Transcript - 5/25/12 (Miguel A. Benitez) (Appellant)
63.	24-Jan-2014	ORDERED: extending the time for filing transcripts to and including 2/26/14. FURTHER ORDERED: extending the time for filing the answering brief to and including 2/26/14. Melina Brill ProTem Judge - Author
64.	24-Jan-2014	FILED: Appellant's Notice of Service of Reporter's Transcripts of Proceedings Designated on Appeal; Certificate of Service of Appellant's Notice of Service of Reporter's Transcripts of Proceedings Designated on Appeal (Appellant)
65.	24-Jan-2014	FILED: Appellant's Notice of Designation of Transcripts on Appeal; Certificate of Service of Appellant's Notice of Designation of Transcripts on Appeal (Appellant)
66.	31-Jan-2014	FILED: Appellant's Notice of Filing Transcript of Proceedings; Certificate of Service of Appellant's Notice of Filing Transcript of Proceedings (Appellant)
67.	31-Jan-2014	FILED: Reporter's Transcript - 2/23/12 (Cynthia Poitra) (Appellant)
68.	14-Feb-2014	FILED: Unopposed Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
69.	20-Feb-2014	ORDERED: Unopposed Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 02-26-2014 to Wednesday, 03-19-2014 Melina Brill ProTem Judge - Author
70.	19-Mar-2014	FILED: Appellees' Motion to File Answering Brief and Supporting Appendix Under Seal and Request for Expedited Consideration and for One Day Extension to Submit Hard Copies of the Brief and Appendix Pending Consideration of the Motion to Seal; Certificate of Service; Attachments
71.	20-Mar-2014	FILED: Answering Brief of Defendants/Appellees (FILED UNDER SEAL)

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72. 24-Mar-2014 ORDERED: granting the motion and accepting the answering brief and appendix thereto as filed under seal on 3/20/14, subject to access by court personnel as needed for processing this appeal. Hon Samuel A Thumma - Author
73. 8-Apr-2014 FILED: Stipulation for Procedural Order Extending Time to File Appellant's Reply Brief (First Request); Certificate of Service of Stipulation for Procedural Order Extending Time to File Appellant's Reply Brief (Appellant)
74. 8-Apr-2014 ORDERED: Stipulation for Procedural Order Extending Time to File Appellant's Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 04-14-2014 to Wednesday, 05-14-2014 Melina Brill ProTem Judge - Author
75. 14-May-2014 FILED: Appellant's Reply Brief (sealed by order filed 5/29/14)
76. 14-May-2014 FILED: Appellant's Motion to Seal Reply Brief (Appellant)
77. 14-May-2014 FILED: Appellant's Motion to Seal Reply Brief; Certificate of Service of Appellant's Motion to Seal Reply Brief (Appellant)
78. 19-May-2014 FILED: Appellant's Request for Oral Argument; Certificate of Service of Appellant's Request for Oral Argument (Appellant)
79. 29-May-2014 ORDERED: Appellant's Motion to Seal Reply Brief = GRANTED. Hon Kenton D Jones Judge - Author
80. 4-Jun-2014 FILED: Memorandum – to Clerk of Maricopa Superior Court Re: any additional record not already transmitted due within 10 days
81. 13-Jun-2014 FILED: Additional Record on Appeal:  
Filed 4/19/12 - Videotape Deposition of John M. Freeman, Jr. MS, PE 2/10/12 CD's. Sealed: FD 2/17/10 Plaintiffs Second Notice of Filing Additional Exhibits et al.; Filed 4/4/12 - Plaintiff's Motion in Limine e-Filed 3/15/12; Filed 4/16/12 - Juror Prescreen Explanation Forms for Day 1 of Jury Selection; Filed 4/17/12 - Juror Prescreen Explanation Forms for Day 2 of Jury Selection; Filed 4/18/12 - Random List dated 4/16/12; Filed 4/18/12 - Juror Prescreen Explanation Form for Day 3 of Jury Selection; Filed 6/1/12 - Verdict Forms; Filed 6/27/12 - Copies of Robert Laubacher's Computer Info; Filed 6/27/12 - Copies of Robert Laubacher's Computer Info (Tim Greer); Filed 6/27/12 - Copies of Robert Laubacher's Computer Info (Judge Schwartz's CD); Exhibits: Hearing Date: 4/16/12 - List and # Exhibits - # 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 42.001, 43, 43.001, 44, 45, 46, 47, 53, 54, 58, 59, 64, 65, 67, 68, 72, 76, 79, 79.001, 80, 84, 86, 87, 89, 90, 91, 92, 93, 94, 95, 123, 124 126 129 130 131 136 143 144 145 147 157 172 173 174 175 176 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 215 216 217 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 247 248 250 254 255 257 258 259 263 264 274 279 280 282 283 284 285 293 294 295 298 303 306 308 310 316 318 320 321 322 323 324 325 326 327 328 340 342 343 356 358 360 363 364 365 366 372 373 396 397 398 408 415 416 422 435 440 443 444 449 465 478 479 505 513 514 514.001 515 518 541 564 578 579 580 587 589 634 635 636 652 715 716 721 730 732 733 735 736 737 738 742 743 744 745 746 747 748 749 753 754 758 759 761 769 770 771 772 780 782 783 784 785 786 787 790 791 792 793 798 800 801 802 803 804 805 806 807 808 809 812 813 817 in a box.
82. 26-Jun-2014 ORDERED: Appellant's Request for Oral Argument = GRANTED. Hon Diane M Johnsen - Author
83. 25-Nov-2014 FILED: Appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court; Certificate of Service of Appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court; Rule 60 Motion with Exhibits 1-7; Exhibits 8-16 (Appellant)
84. 25-Nov-2014 FILED: Exhibits 17-21; Exhibits 22-25 (Appellant)
85. 4-Dec-2014 FILED: Unopposed Motion to Extend Time for One Week to File Response to Appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court; Certificate of Service (Appellee)
86. 8-Dec-2014 ORDERED: Unopposed Motion to Extend Time for One Week to File Response to Appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court (Appellee) = GRANTED. Due date EXTENDED from Monday, 12-15-2014 to Wednesday, 12-17-2014 Melina Brill ProTem Judge - Author
87. 16-Dec-2014 FILED: Appellee's Response in Opposition to Appellant's Motion to Suspend Appeal and Revest Jurisdiction in The Superior Court; Certificate of Service (Appellee)
88. 29-Dec-2014 FILED: Unopposed Motion to Extend Time to File Reply to Appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court; Certificate of Service of Unopposed Motion to Extend Time to File Reply to Appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court (Appellant)
89. 30-Dec-2014 ORDERED: Unopposed Motion to Extend Time to File Reply to Appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court = GRANTED. Due date EXTENDED from Monday, 12-29-2014 to Monday, 01-12-2015 Barbara Vidal Vaught ProTem Judge - Author
90. 12-Jan-2015 FILED: Appellant's Reply in Support of Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court; Certificate of Service of Appellant's Reply in Support of Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court (Appellant)

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91. 20-Jan-2015 ORDERED: granting appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court. FURTHER ORDERED: Pursuant to ARCAP 3 (b), staying appeal to/including 3/9/15, and revesting jurisdiction in Maricopa Superior Court for purpose of permitting court to consider appellant's Rule 60 motion. FURTHER ORDERED: Superior Court is authorized/directed to rule on Rule 60 motion. FURTHER ORDERED: On 3/15/15, appeal shall be automatically reinstated, unless before that date appellant files a motion to dismiss appeal/ motion to continue stay appeal. FURTHER ORDERED: If party wishes ruling on motion to be reviewed in this appeal, a timely notice of appeal or amended notice of appeal must be filed. FURTHER ORDERED: W/in 10 days after superior court ruling, appellant shall file a notice w/ this court w/ ruling attached. If superior court grants motion, notice should indicate whether ruling affects judgment that is subject of this appeal. If superior court denies motion, notice should indicate whether appellant will appeal from that ruling. Melina Brill ProTem Judge - Author
92. 4-Feb-2015 FILED: Stipulated Motion to Extend Date for Reinstatement of Appeal to Allow for Extension of Briefing Schedule on Appellant's/Plaintiff's Rule 60 Motion; Certificate of Service (Appellee)
93. 10-Feb-2015 ORDERED: continuing stay of this appeal to/including 4/10/15, for purposes set in 1/20/15 order. Appeal will be automatically reinstated 4/10/15, unless appellant files request to continue. Melina Brill ProTem Judge - Author
94. 10-Apr-2015 FILED: Appellant's Notice of Ruling by Superior Court with Regard to Rule 60 Motion; Certificate of Service of Appellant's Notice of Ruling by Superior Court with Regard to Rule 60 Motion; Attachment: Superior Court Order dated April 7, 2015 Granting Rule 60 Motion (Appellant)
95. 16-Apr-2015 ORDERED: (Court has considered appellant's Notice of Ruling by Superior Court with Regard to Rule 60 Motion) Unless any party files a notice w/in 10 days of this order indicating appeal should proceed, court will dismiss appeal. Melina Brill ProTem Judge - Author
96. 20-Apr-2015 FILED: Appellant's Motion to Continue Suspension on Appeal; Certificate of Service of Appellant's Motion to Continue Suspension of Appeal (Appellant)
97. 23-Apr-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including ME: Under Advisement Ruling dated 4/7/15, filed 4/10/15 re: granting Plaintiff's Rule 60 Motion)
98. 20-May-2015 ORDERED: (Appellant's Motion to Continue Suspension on Appeal) = GRANTED/continuing stay of appeal to/including 7/13/15, when this appeal will be automatically reinstated. FURTHER ORDERED: Directing appellant to file status report on/before 7/13/15 indicating whether superior court has entered a final order pertaining to Rule 60 motion. Melina Brill ProTem Judge - Author
99. 9-Jul-2015 FILED: Unopposed Motion for Procedural Order to Continue the Stay of Appeal; Certificate of Service of Unopposed Motion for Procedural Order to Continue the Stay of Appeal; Affidavit Supporting Motion for Procedural Order (Appellant)
100. 14-Jul-2015 ORDERED: Unopposed Motion for Procedural Order to Continue the Stay of Appeal; (Appellant) = GRANTED/continuing stay of appeal to/including 9/11/15, when appeal will be automatically reinstated. FURTHER ORDERED: Directing Appellant to file a status report on/before 9/11/15, indicating 1) superior court has entered a final order pertaining to Rule 60 motion, 2) mediation has been completed and if so whether parties reached an agreement and 3) superior court has ruled on pending motion for order amending judgment. Melina Brill ProTem Judge - Author
101. 18-Aug-2015 FILED: Joint Status Report and Motion to Continue Stay of the Appeal; Certificate of Service
102. 20-Aug-2015 ORDERED: Joint Status Report and Motion to Continue Stay of the Appeal = GRANTED. Staying appeal to/including 11/20/15, when this appeal will be automatically reinstated. FURTHER ORDERED: Appellant to file as status report on/before 11/20/15 indicating whether 1) superior court has entered a final order re: Rule 60 motion, 2) superior court has ruled on pending motion for order amending judgment and 3) superior court has ruled on motions for attorneys' fees. Melina Brill ProTem Judge - Author
103. 20-Nov-2015 FILED: Joint Status Report and Motion to Continue Stay of Appeal; Certificate of Service (Appellant)
104. 2-Dec-2015 ORDERED: Joint Status Report and Motion to Continue Stay of Appeal (Appellant) = GRANTED in part and continuing stay of this appeal to/including 1/25/16, when this appeal is automatically reinstated. FURTHER ORDERED: Directing parties to file a status report on/before 1/25/16 indicating whether appellees filed a notice of appeal and, if so, case number assigned to appellees' appeal. Court intends to consolidate any appeal by appellees with this appeal. Melina Brill ProTem Judge - Author
105. 7-Jan-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Minute Entry dated 11/19/15, filed 11/23/15 re: approving/settling formal written Amended Judgment; Amended Judgment filed 11/19/15; Notice of Appeal filed 12/18/15)

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106. 25-Jan-2016 FILED: Joint Status Report; Certificate of Service (Appellant)
107. 28-Jan-2016 ORDERED: Joint Status Report; (Appellant) = GRANTED/staying this appeal until after this court issues a decision in 1 CA-CV 16-0046, appellant shall file a written notice of decision in this appeal and indicate whether she intends to proceed w/ this appeal. Upon receipt of appellant's notice, this court will either schedule this appeal for consideration on merits or dismiss appeal.  
Barbara Vidal Vaught ProTem Judge - Author